

**EIGHTY-FIFTH GENERAL ASSEMBLY  
2013 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

APRIL 24, 2013

**SENATE FILE 360**

**S-3174**

1 Amend Senate File 360 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 572.8, subsection 1, paragraph  
5 b, Code 2013, is amended to read as follows:

6 b. The legal description ~~of that adequately~~  
7 describes the property to be charged with the lien.

8 Sec. 2. Section 572.11, Code 2013, is amended to  
9 read as follows:

10 572.11 Extent of lien posted after ninety days.

11 Liens perfected under section 572.10 shall be  
12 enforced against the property or upon the bond, if  
13 given, by the owner or by the owner-builder's buyer,  
14 only to the extent of the balance due from the owner  
15 to the general contractor or from the owner-builder's  
16 buyer to the owner-builder at the time of the service  
17 of such notice; but if the bond was given by the  
18 general contractor or owner-builder, or person  
19 contracting with the subcontractor ~~filing~~ posting the  
20 claim for a lien, such bond shall be enforced to the  
21 full extent of the amount found due the subcontractor.

22 Sec. 3. Section 572.13A, subsections 1 and 2, Code  
23 2013, are amended to read as follows:

24 1. A general contractor or owner-builder who has  
25 contracted or will contract with a subcontractor to  
26 provide labor or furnish material for the property  
27 shall post a notice of commencement of work to the  
28 mechanics' notice and lien registry internet website  
29 ~~within no later than ten days of~~ after the commencement  
30 of work on the property. A notice of commencement  
31 of work is effective only as to any labor, service,  
32 equipment, or material furnished to the property  
33 subsequent to the posting of the notice of commencement  
34 of work. A notice of commencement of work shall  
35 include all of the following information:

36 a. The name and address of the owner.

37 b. The name, address, and telephone number of the  
38 general contractor or owner-builder.

39 c. The address of the property or a description of  
40 the location of the property if the property cannot be  
41 reasonably identified by an address.

42 d. The legal description ~~of that adequately~~  
43 describes the property to be charged with the lien.

44 e. The date work commenced.

45 f. The tax parcel identification number.

46 g. Any other information prescribed by the  
47 administrator pursuant to rule.

48 2. If a general contractor or owner-builder  
49 fails to post the required notice of commencement  
50 of work to the mechanics' notice and lien registry

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1 internet website pursuant to subsection 1, within ten  
2 days of commencement of the work on the property, a  
3 subcontractor may post the notice in conjunction with  
4 the ~~filing~~ posting of the required preliminary notice  
5 pursuant to section 572.13B. A notice of commencement  
6 of work must be posted to the mechanics' notice and  
7 lien registry internet website before preliminary  
8 notices pursuant to section 572.13B may be posted.

9 Sec. 4. Section 572.13A, subsection 3, paragraph c,  
10 Code 2013, is amended to read as follows:

11 c. The notice described in subsection 1 shall be  
12 sent to the owner's address as posted to the mechanics'  
13 notice and lien registry by the general contractor,  
14 owner-builder, or subcontractor. If the owner's  
15 address is different than the property address, a  
16 copy of the notice shall also be sent to the property  
17 address, addressed to the owner if a mailing address  
18 has been assigned to the property by the United States  
19 postal service.

20 Sec. 5. Section 572.13A, subsection 3, Code 2013,  
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. d. Notices under this section shall  
23 not be sent to owner-builders.

24 Sec. 6. Section 572.13B, subsection 1, paragraph g,  
25 Code 2013, is amended to read as follows:

26 g. The legal description ~~of~~ that adequately  
27 describes the property to be charged with the lien.

28 Sec. 7. Section 572.13B, subsection 2, Code 2013,  
29 is amended to read as follows:

30 2. At the time a preliminary notice is posted  
31 to the mechanics' notice and lien registry, the  
32 administrator shall send notification to the owner,  
33 including the owner notice described in section 572.13,  
34 subsection 1, and shall ~~docket~~ post the mailing of  
35 the notice on the mechanics' notice and lien registry  
36 as prescribed by the administrator pursuant to rule.  
37 Notices under this section shall not be sent to  
38 owner-builders. Upon request, the administrator shall  
39 provide an affidavit of mailing proof of service at no  
40 cost for the notice required under this section.

41 Sec. 8. Section 572.15, Code 2013, is amended to  
42 read as follows:

43 572.15 Discharge of mechanic's lien - bond.

44 A mechanic's lien may be discharged at any time by  
45 submitting a bond to the administrator in twice the  
46 amount of the sum for which the claim for the lien is  
47 ~~filed~~ posted, with surety or sureties, to be approved  
48 by the administrator, conditioned for the payment of  
49 any sum for which the claimant may obtain judgment upon  
50 the claim.

1 Sec. 9. Section 572.19, Code 2013, is amended to  
2 read as follows:

3 572.19 Priority over garnishments of the owner.  
4 Mechanics' liens shall take priority ~~of~~ over all  
5 garnishments of the owner for the contract debts,  
6 whether made prior or subsequent to the commencement of  
7 the furnishing of the material or performance of the  
8 labor, without regard to the date of ~~filing~~ posting the  
9 claim for such lien.

10 Sec. 10. Section 572.22, unnumbered paragraph 1,  
11 Code 2013, is amended to read as follows:

12 ~~The administrator shall endorse upon every claim for~~  
13 ~~a mechanic's lien posted to the mechanics' notice and~~  
14 ~~lien registry internet website the date and hour of~~  
15 ~~posting.~~ Each claim posted to the mechanics' notice  
16 and lien registry internet website shall be properly  
17 indexed and shall contain the following items:

18 Sec. 11. Section 572.22, subsection 5, Code 2013,  
19 is amended to read as follows:

20 5. The legal description ~~of~~ that adequately  
21 describes the property to be charged with the lien.

22 Sec. 12. Section 572.23, subsection 2, Code 2013,  
23 is amended to read as follows:

24 2. If satisfaction is not acknowledged within  
25 thirty days after service of the demand in writing,  
26 the party serving the demand or causing the demand to  
27 be served may file for record with the administrator  
28 a copy of the demand with proofs of service attached  
29 and endorsed and, in case of service by publication,  
30 a personal affidavit that personal service could  
31 not be made within this state. Upon completion  
32 of the requirements of this subsection, the ~~record~~  
33 posting shall be constructive notice to all parties  
34 of the due forfeiture and cancellation of the lien.  
35 Upon the ~~filing~~ posting of the demand with the  
36 required attachments, the administrator shall mail a  
37 date-stamped copy of the demand to both parties.

38 Sec. 13. Section 572.28, subsection 1, Code 2013,  
39 is amended to read as follows:

40 1. Upon the written demand of the owner served  
41 on the ~~lienholder~~ claimant requiring the ~~lienholder~~  
42 claimant to commence action to enforce the lien,  
43 such action shall be commenced within thirty days  
44 thereafter, or the lien and all benefits derived  
45 therefrom shall be forfeited.

46 Sec. 14. Section 572.30, subsection 2, Code 2013,  
47 is amended to read as follows:

48 2. Within fifteen days after receiving notice of  
49 nonpayment the general contractor or owner-builder  
50 gives a bond ~~or makes a deposit with the administrator,~~

1 in an amount not less than the amount necessary to  
2 satisfy the nonpayment for which notice has been  
3 given under this section, and in a form approved by a  
4 ~~judge of the district court~~ the administrator, to hold  
5 harmless the owner or person having the improvement  
6 made from any claim for payment of anyone furnishing  
7 labor or material for the improvement, other than the  
8 general contractor or owner-builder.

9 Sec. 15. Section 572.31, Code 2013, is amended to  
10 read as follows:

11 572.31 Cooperative and condominium housing.

12 A lien arising under this chapter as a result of  
13 the construction of an apartment house or apartment  
14 building which is owned on a cooperative basis under  
15 chapter 499A, or which is submitted to a horizontal  
16 property regime under chapter 499B, is not enforceable,  
17 notwithstanding any contrary provision of this  
18 chapter, as against the interests of an owner in a unit  
19 contained in the apartment house or apartment building  
20 acquired in good faith and for valuable consideration,  
21 unless a lien statement specifically describing the  
22 unit is ~~filed~~ posted under section 572.8 within the  
23 applicable time period specified in section 572.9,  
24 but determined from the date on which the last of the  
25 material was supplied or the last of the labor was  
26 performed in the construction of that unit.

27 Sec. 16. Section 572.33A, Code 2013, is amended to  
28 read as follows:

29 572.33A Liability of owner to general contractor –  
30 commercial construction.

31 1. An owner of a building, land, or improvement  
32 upon which a mechanic's lien of a subcontractor may  
33 be ~~filed~~ posted, is not required to pay the general  
34 contractor for compensation for work done or material  
35 furnished for the building, land, or improvement until  
36 the expiration of ninety days after the completion  
37 of the building or improvement unless the general  
38 contractor furnishes to the owner one of the following:

39 ~~1.~~ a. Receipts and waivers of claims for  
40 mechanics' liens, signed by all persons who furnished  
41 material or performed labor for the building, land, or  
42 improvement.

43 ~~2.~~ b. A good and sufficient bond to be approved  
44 by the owner, conditioned that the owner shall be held  
45 harmless from any loss which the owner may sustain by  
46 reason of the ~~filing~~ posting of mechanics' liens by  
47 subcontractors.

48 2. This section applies only to commercial  
49 construction properties.

50 Sec. 17. Section 572.34, Code 2013, is amended to

1 read as follows:

2 572.34 Mechanics' notice and lien registry —  
3 ~~residential construction.~~

4 1. A mechanics' notice and lien registry is created  
5 and shall be administered by the administrator. The  
6 administrator shall adopt rules pursuant to chapter 17A  
7 for the creation and administration of the registry.

8 2. The mechanics' notice and lien registry shall  
9 be accessible to the general public through the  
10 administrator's internet website.

11 3. The registry shall be indexed by owner name,  
12 general contractor name, mechanics' notice and lien  
13 registry number, property address, legal description,  
14 tax parcel identification number, and any other  
15 identifier considered appropriate as determined by the  
16 administrator pursuant to rule.

17 4. ~~A general contractor, owner-builder, or~~  
18 ~~subcontractor~~ Any person who posts fictitious, forged,  
19 or false information to the mechanics' notice and lien  
20 registry shall be subject to a penalty as determined  
21 by the administrator by rule in addition to all other  
22 penalties and remedies available under applicable law.

23 5. A person may post a correction statement with  
24 respect to a record indexed ~~in~~ on the mechanics'  
25 notice and lien registry internet website if the person  
26 believes the record is inaccurate or wrongfully posted.

27 6. The administrator shall charge and collect fees  
28 as established by rule necessary for the administration  
29 and maintenance of the registry and the registry's  
30 internet website. The administrator shall not charge  
31 a ~~filing~~ posting fee for a preliminary notice required  
32 pursuant to this chapter that exceeds the cost of  
33 sending such notice by certified mail with restricted  
34 delivery and return receipt. The administrator shall  
35 not charge a ~~filing~~ posting fee for a mechanic's lien  
36 that exceeds forty dollars.

37 7. Notices may be posted to the mechanics' notice  
38 and lien registry electronically on the administrator's  
39 internet website, or may be sent to the administrator  
40 for posting by United States mail or facsimile  
41 transmission, or other alternate method as provided by  
42 the administrator pursuant to rule. Notices received  
43 by United States mail or facsimile transmission shall  
44 be posted by the administrator to the mechanics'  
45 notice and lien registry within three business days of  
46 receipt.

47 8. Mechanics' liens may be posted to the mechanics'  
48 notice and lien registry electronically on the  
49 administrator's internet website or may be sent to  
50 the administrator for posting by United States mail.

1 Liens received by United States mail shall be posted  
2 by the administrator to the mechanics' notice and lien  
3 registry within three business days of receipt.

4 9. The administrator shall send a receipt  
5 acknowledging a notice or lien submitted by United  
6 States mail or facsimile transmission, as provided by  
7 the administrator by rule.

8 10. Information collected by and furnished to  
9 the administrator in conjunction with the submission  
10 and posting of notices pursuant to sections 572.13A  
11 and 572.13B shall be used by the administrator solely  
12 for the purposes of the mechanics' notice and lien  
13 registry.

14 11. Registration under chapter 91C shall not be  
15 required in order to post a notice or a lien under this  
16 chapter.

17 12. A preliminary notice that remains posted  
18 on the mechanics' notice and lien registry internet  
19 website two years after the date of posting shall be  
20 declared inactive by the administrator, unless renewed.  
21 A notice of commencement of work, if there are no  
22 related active postings, shall be declared inactive two  
23 years from the date of posting, unless renewed. The  
24 administrator shall establish a process for the removal  
25 of inactive notices and for the renewal of notices  
26 pursuant to rule.

27 ~~12.~~ 13. The administrator shall make, or cause to  
28 be made, preservation duplicates of mechanics' notice  
29 and lien registry records, including records stored in  
30 a computer database. Any preservation duplicate record  
31 shall be accurate, complete, and clear, and shall be  
32 made, preserved, and made accessible to the public by  
33 means designated by the administrator by rule.>

**By** ROBERT M. HOGG



S-3176

1 Amend Senate File 365 as follows:  
2 1. Page 1, after line 24 by inserting:  
3 <Sec. \_\_\_\_\_. Section 435.1, subsection 6, Code 2013,  
4 is amended to read as follows:  
5 6. "Mobile home park" means a site, lot, field, or  
6 tract of land upon which three or more mobile homes,  
7 ~~or~~ manufactured homes, modular homes, or motor homes,  
8 or a combination of any of these homes, are placed  
9 on developed spaces and operated as a for-profit  
10 enterprise with water, sewer or septic, and electrical  
11 services available. The term "mobile home park"  
12 shall not be construed to include manufactured or  
13 mobile homes, buildings, tents, or other structures  
14 temporarily maintained by ~~any~~ an individual,  
15 educational institution, or company on their own  
16 premises and used exclusively to house their own labor  
17 or students. The term "mobile home park" shall not be  
18 construed to include a campground as defined in section  
19 557B.1.  
20 Sec. \_\_\_\_\_. Section 435.1, Code 2013, is amended by  
21 adding the following new subsection:  
22 NEW SUBSECTION. 8. "Motor home" means as defined  
23 in section 321.1, subsection 36C.  
24 Sec. \_\_\_\_\_. Section 562B.7, subsection 7, Code 2013,  
25 is amended to read as follows:  
26 7. "Mobile home park" ~~shall mean any~~ means a site,  
27 lot, field, or tract of land upon which three or more  
28 mobile homes, manufactured homes, ~~or~~ modular homes, or  
29 motor homes, or a combination of any of these homes,  
30 are placed on developed spaces and operated as a  
31 for-profit enterprise with water, sewer or septic, and  
32 electrical services available. The term "mobile home  
33 park" shall not be construed to include manufactured  
34 or mobile homes, buildings, tents, or other structures  
35 temporarily maintained by an individual, educational  
36 institution, or company on their own premises and used  
37 exclusively to house their own labor or students.  
38 The term "mobile home park" shall not be construed to  
39 include a campground as defined in section 557B.1.  
40 Sec. \_\_\_\_\_. Section 562B.7, Code 2013, is amended by  
41 adding the following new subsection:  
42 NEW SUBSECTION. 8A. "Motor home" means as defined  
43 in section 321.1, subsection 36C.>  
44 2. Title page, by striking lines 1 through 3 and  
45 inserting <An Act relating to manufactured and mobile  
46 homes, including property taxes, landlord and tenant  
47 law, and certificates of title.>  
48 3. By renumbering as necessary.

**By** RICH TAYLOR

**HOUSE FILE 355**

**S-3175**

1 Amend [House File 355](#), as passed by the House, as  
2 follows:  
3 1. Page 1, after line 19 by inserting:  
4 <Sec. \_\_\_\_\_. 2013 Iowa Acts, [Senate File 224](#), if  
5 enacted, is amended by adding the following new  
6 section:  
7 SEC. \_\_\_\_\_. TRANSITION FROM FIVE-YEAR TO EIGHT-YEAR  
8 RENEWAL PERIODS. To implement section 321.190,  
9 subsection 1, paragraph "d", as amended in this Act,  
10 and section 321.196, subsection 1, as amended in this  
11 Act, the department of transportation may provide for a  
12 transition from five-year to eight-year renewal periods  
13 for driver's licenses and nonoperator's identification  
14 cards. During the transition, the department may issue  
15 driver's licenses and nonoperator's identification  
16 cards valid for periods of five, six, seven, or eight  
17 years to equalize renewal periods and applicants over  
18 succeeding years.>  
19 2. Title page, line 1, after <to> by inserting  
20 <driver's licenses, including>  
21 3. Title page, line 2, after <date> by inserting  
22 <and transition>  
23 4. By renumbering as necessary.

**By** TOD R. BOWMAN

**S-3175** FILED APRIL 23, 2013  
ADOPTED

**HOUSE FILE 487**

**S-3177**

1 Amend [House File 487](#), as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 25, through page 2,  
4 line 26.  
5 2. Title page, by striking lines 1 through 3 and  
6 inserting <An Act relating to a manufactured or mobile  
7 home retailer's application to a county treasurer  
8 for a certificate of title for a used mobile home or  
9 manufactured home.>  
10 3. By renumbering as necessary.

**By** RICH TAYLOR

**S-3177** FILED APRIL 23, 2013  
ADOPTED